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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/003,058

11/02/2001

Saul R. Dooley

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09/02/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LIU, SHUWANG

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,058

Applicant(s)

DOOLEY ET AL.

Examiner

Shuwang Liu

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 4 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/27/05 have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicant's arguments but firmly believes that the cited reference reasonably and properly meets the claimed limitation as rejected.

(1) Regarding reference Yamauchi:

Applicant's argument – Yamauchi fails to describe “changing a mode of processing of the incoming signal in response to the signal indicating the said characteristic of movement of the mobile terminal.”

Examiner's response –Applicants are reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of claims. So the Examiner considers “changing a mode of processing of the incoming spread spectrum ” to be “changing ‘a particular from, variety, or way’ of processing of the incoming spread spectrum signal within the broad meaning of the term (see Webster's II New Riverside University Dictionary for “mode”). As disclosed in lines 20-44 of column 5, Yamauchi teaches “when the speed pulse is not detected within the predetermined period, the microcomputer 14 executes the map matching with the map data M by using the previous GPS position measurement data D_G , and outputs the Previous display data D_p to display,When the vehicle is moving, this is, the speed pulse is detected (YES) in step S4a, the microcomputer 14 updates i.e. substitutes the new GPS position measurement data D_G for the GPS position measurement data D_G current stored in the

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built-in-memory (step S5)". Here, Yamauchi teaches a variety of the processing of the microcomputer. Therefore, the variety or way of the processing of the signal executed by the microcomputer is the base on the vehicle speed. The Examiner is not limited to Applicant's definition, which is not specifically set forth in the claims. In re Tanaka et al., 193 USPQ 139, (CCPA) 1977.

(2) regarding reference Begin et al.

As discloses in line 64 of column 3 to line 16 of column 4, Begin et al. also teaches changing a variety or way of the processing the signal based on the motion. The same response is given above.

(3) regarding specification:

The Applicant refuses to change the specification as objected by the Examiner. The Examiner still suggests the headings should be inserted in the specification according to the practice in United States.

Drawings

2. The drawings are objected to because there are no labels for each blocks in figures 1 and 2 and blocks 11, 12, 13, 14, 15, and in figure 1, 18 and 19 in figure 2, and 24 in figure 3. These blocks need to have descriptive labels under 37 CFR 1.84(n) and 1.84(o).

Specification

3. The disclosure is objected to because of the following informalities: .

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- (1) The section heading should be inserted in appreciated location in the specification.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 9-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamauchi et al. (EP 0528530A1, see IDS).

As shown in figures 1-4, Yamauchi et al. discloses a method and apparatus of receiving a spread spectrum signal, comprising:

(1) regarding claims 1 and 9:

processing (by means 44 and 37) the signal for the purposes of signal acquisition and signal tracking (column 2, lines 1-25 and column 3, lines 15-46);

monitoring (by means 12) movement of the mobile terminal and deriving a signal indicative of a characteristic of movement of the mobile terminal (column 4, lines 45-56);
and

changing (by means 14) a mode of the processing of the incoming signal in response to the signal indicating the said characteristic of movement of the mobile terminal (column 5, lines 11-44).

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(2) regarding claims 2 and 10:

wherein the characteristic of movement of the mobile terminal comprises an acceleration/deceleration characteristic (speed pulse) (column 5, lines 11-19 and claim 3).

(3) regarding claims 3 and 11:

wherein the characteristic of movement comprises a speed component (column 4, lines 45-56).

(4) regarding claims 5 and 13:

wherein the characteristic of movement comprises the mobile terminal being in a stationary state (column 4, lines 45-56).

6. Claims 1-3, 5, 6, 8-11, 13, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Begin et al. (US 6,532,419).

As shown in figures 1-6, Begin et al. discloses a method and apparatus of receiving a spread spectrum signal, comprising:

(1) regarding claims 1 and 9:

processing (by means 22) the signal for the purposes of signal acquisition and signal tracking (column 1, lines 11-35 and column 2, lines 42-67);

monitoring (by means 40 and 42) movement of the mobile terminal and deriving a signal indicative of a characteristic of movement of the mobile terminal (column 4, lines 45-56); and

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changing (by means 20) a mode of the processing of the incoming signal in response to the signal indicating the said characteristic of movement of the mobile terminal (column 3, line 41-column 4, 1-16).

(2) regarding claims 2 and 10:

wherein the characteristic of movement of the mobile terminal comprises an acceleration/deceleration characteristic (column 3, lines 55-63).

(3) regarding claims 3 and 11:

wherein the monitored characteristic of movement comprises a speed component (ZMD, column 3, lines 55-63).

(4) regarding claims 5 and 13:

wherein the characteristic of movement comprises the mobile terminal being in a stationary state (ZMD, column 3, lines 55-63).

(5) regarding claims 6 and 14:

wherein the step of changing the mode of processing of the incoming spread spectrum signal comprises switching signal tracking loops within the terminal (see 118-126 in figure 6).

(6) regarding claims 8 and 16:

wherein the step of changing the mode of processing of the incoming spread spectrum signal comprises taking a snapshot of the incoming spread spectrum signal only when either the speed or acceleration of the mobile terminal is below a predetermined threshold (column 3, line 60-column 4, line 16).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al. in view of Krasner (US 6,289,041).

Yamauchi et al. discloses all of the subject matter as described above except for specifically teaching of the step of changing the mode of processing of the incoming spread spectrum signal comprises increasing the integration time employed within an integrator within the mobile terminal as claimed.

Krasner, in the same field of endeavor, teaches a method of increasing the integration time employed within an integrator in a GPS receiver (column 5, lines 51-65).

It would be desirable to reduce errors in measured pseudorange in the GPS receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to increase the integration time employed within an integrator as taught by Krasner in order to allow the GPS receiver to track and acquire the received GPS signals more accurate.

Allowable Subject Matter

9. Claims 4 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuwang Liu whose telephone number is 571 272-3036. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shuwang Liu
Primary Examiner
Art Unit 2634

August 26, 2005



1/1

REPLACEMENT SHEET

not
approved

sc

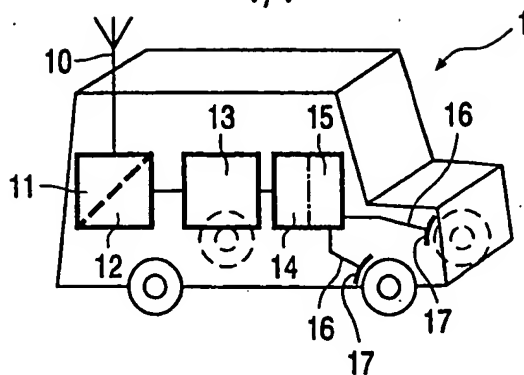


FIG. 1

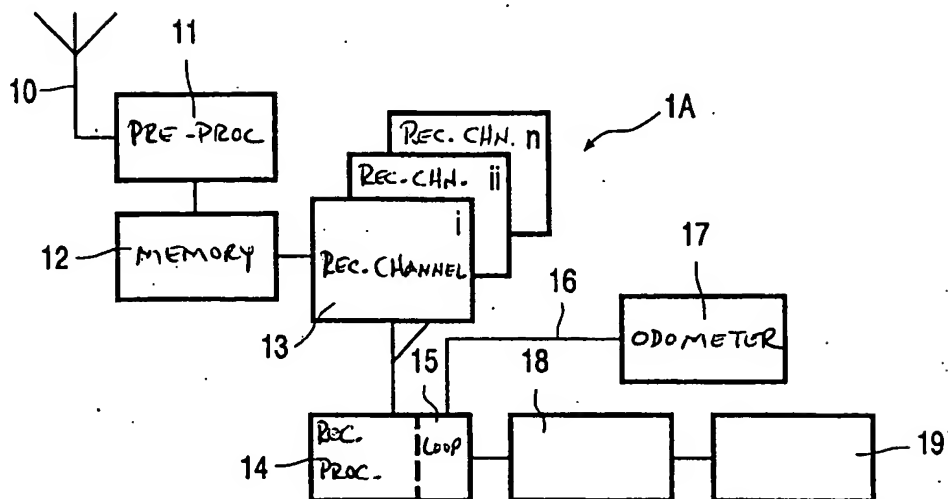


FIG. 2

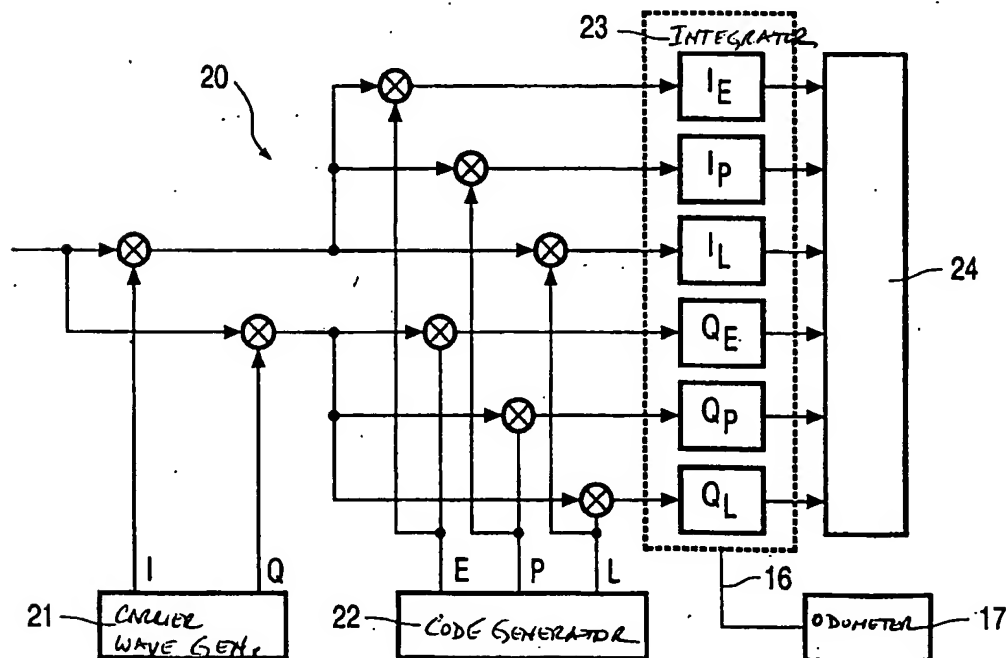


FIG. 3